

PRD-410
4-83

CASE

NUMBER:

99-179



COMMONWEALTH OF KENTUCKY
PUBLIC SERVICE COMMISSION
730 SCHENKEL LANE
POST OFFICE BOX 615
FRANKFORT, KY. 40602
(502) 564-3940

CERTIFICATE OF SERVICE

RE: Case No. 99-179
SPANISH COVE SANITATION SYSTEM, INC.

I, Stephanie Bell, Secretary of the Public Service Commission, hereby certify that the enclosed attested copy of the Commission's Order in the above case was served upon the following by U.S. Mail on October 12, 1999.

Parties of Record:

John Lawson
President
1622 Huntoon Avenue
Louisville, KY. 40215

Darrell Clem
7600 Country Square Lane
Louisville, KY. 40291

Honorable Bruce Garrett Anderson
Counsel for Spanish Cove Sanitation
Hargadon, Lenihan, Harbolt &
Herrington
713 West Main Street
Louisville, KY. 40202

Stephanie J. Bell
Secretary of the Commission

SB/hv
Enclosure

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

DARRELL CLEM)	
)	
COMPLAINANT)	
)	
v.)	CASE NO. 99-179
)	
SPANISH COVE SANITATION SYSTEM, INC.)	
)	
DEFENDANT)	

ORDER

Defendant having satisfied the Complaint to the Complainant's satisfaction and the parties having stipulated to the dismissal of the Complaint, the Commission finds that this matter should be dismissed.

IT IS HEREBY ORDERED that:

1. The Complaint is dismissed with prejudice.
2. This matter is closed and shall be removed from the Commission's docket.

Done at Frankfort, Kentucky, this 12th day of October, 1999.

By the Commission

ATTEST:


Executive Director

COMMONWEALTH OF KENTUCKY
PUBLIC SERVICE COMMISSION

COPY

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IN THE MATTER OF:

DARRELL CLEM

COMPLAINANT

VS.

SPANISH COVE SANITATION SYSTEM, INC.

DEFENDANT

CASE NO. 99-178

AND

DARRELL CLEM

COMPLAINANT

VS.

SPANISH COVE SANITATION SYSTEM, INC.

DEFENDANT

CASE NO. 99-179

FILED

OCT 06 1999

PUBLIC SERVICE
COMMISSION

TRANSCRIPT OF EVIDENCE

DATE OF HEARING: September 21, 1999

APPEARANCES

HON. PAUL SHAPIRO, HEARING OFFICER

HON. GERALD WUETCHER, COUNSEL FOR COMMISSION STAFF

COMPLAINANT:

DARRELL E. CLEM
7600 COUNTRY SQUIRE LANE
LOUISVILLE, KENTUCKY 40291
(NOT REPRESENTED BY COUNSEL)

I N D E X

PAGE NO.

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Appearances

2

Discussion

4-8

Reporter's Certificate

9

1 HEARING OFFICER SHAPIRO:

2 This is a hearing before the Public Service Commission
3 in the cases of the Complaint of Darrell Clem against
4 Spanish Cove Sanitation. There are two cases, two
5 Complaints, filed. One is Case No. 99-178 and the
6 other one is 99-179, and they essentially deal with the
7 same issues, same factual issues, so we'll treat them
8 as one case, at least for our purposes this morning.
9 Prior to the hearing, Mr. Clem advised the Commission
10 that his attorney and the attorney representing Spanish
11 Cove had reached a settlement agreement which was
12 apparently acceptable to the parties as well. Mr. Clem
13 has an independent action pending in the Jefferson
14 Circuit Court, and the settlement covers both the
15 proceedings here and the proceedings before the
16 Jefferson Circuit Court. Under the terms of that
17 agreement, as conveyed to us, Mr. Clem has agreed to
18 dismiss the action here and dismiss the action in
19 Circuit Court and the defendant, Spanish Cove, has
20 agreed to pay him an amount in settlement of those
21 pending actions. We're convened here this morning,
22 and, Mr. Clem, you're present; is that correct?

23 MR. CLEM:

24 Yes.
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HEARING OFFICER SHAPIRO:

Would you give us your full name?

MR. CLEM:

Darrell E. Clem.

HEARING OFFICER SHAPIRO:

And what's your address, Mr. Clem?

MR. CLEM:

It's 7600 Country Squire Lane, Louisville, Kentucky
40291.

HEARING OFFICER SHAPIRO:

And you've heard what I've just recounted for the
record. Do you verify that all of that is accurate?

MR. CLEM:

Yes, sir.

HEARING OFFICER SHAPIRO:

In view of what's been represented to us, both by Mr.
Clem and by Mr. Bruce Anderson, who represents Spanish
Cove and is their attorney of record in these
proceedings, we will continue the hearing generally to
allow the parties to complete their settlement
negotiations and then take whatever action they deem
appropriate to resolve the issues before this
Commission. Do you have anything you wish to add, Mr.
Wuetcher?

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MR. WUETCHER:

Just two points, Your Honor. Your Honor had stated that Mr. Clem had brought an action in Jefferson Circuit Court and actually Spanish Cove, the defendant, had brought an action against Mr. Clem in Jefferson District Court.

HEARING OFFICER SHAPIRO:

Oh! Is it Jefferson District Court? Is that correct?

MR. CLEM:

Yes, sir.

HEARING OFFICER SHAPIRO:

Okay. In any event, the agreement covers all proceedings; is that right?

MR. CLEM:

Yes, sir.

HEARING OFFICER SHAPIRO:

Okay. Anything further you'd like to add at this time?

MR. CLEM:

I just want to make sure that this is not brought back up. This guy, for the last five years, has been a nightmare to me and to everybody in that area.

HEARING OFFICER SHAPIRO:

Well, what I was going to say is that will be between you and your attorney and the attorney representing Spanish Cove. All we can do at this point is continue

1 this hearing and allow you all to work it out. If the
2 settlement falls through, then, obviously, you have the
3 right to pursue this Complaint as well as they have the
4 right to pursue their Complaint in District Court.

5 Okay?

6 MR. CLEM:

7 Okay.

8 HEARING OFFICER SHAPIRO:

9 The hearing is continued generally and we're adjourned.

10 MR. CLEM:

11 Okay. Thank you.

12 OFF THE RECORD

13 HEARING OFFICER SHAPIRO:

14 It has been brought to my attention that, in order for
15 us to maintain the docket properly, it's Commission
16 policy that we have to put some dates in here that the
17 actions will be taken by. So this matter will be
18 continued generally, but, if we receive nothing from
19 the parties within 20 days, then it will be redocketed
20 for hearing.

21 MR. CLEM:

22 Okay.

23 HEARING OFFICER SHAPIRO:

24 This will conclude the hearing.
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MR. CLEM:

Okay. Thank you.

HEARING ADJOURNED
OFF THE RECORD

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STATE OF KENTUCKY
COUNTY OF FRANKLIN

I, Connie Sewell, the undersigned Notary Public, in and for the State of Kentucky at Large, do hereby certify the foregoing transcript is a complete and accurate transcript, to the best of my ability, of the hearing taken down by me in this matter, as styled on the first page of this transcript; that said hearing was first taken down by me in shorthand and mechanically recorded and later transcribed under my supervision.

My commission will expire November 19, 2001.

Given under my hand at Frankfort, Kentucky, this the 4th day of October, 1999.

Connie Sewell
Connie Sewell, Notary Public
State of Kentucky at Large
1705 South Benson Road
Frankfort, Kentucky 40601
Phone: (502) 875-4272



COMMONWEALTH OF KENTUCKY
PUBLIC SERVICE COMMISSION

730 SCHENKEL LANE
POST OFFICE BOX 615
FRANKFORT, KY. 40602
(502) 564-3940

October 1, 1999

John Lawson
President
1622 Huntoon Avenue
Louisville, KY. 40215

Darrell Clem
7600 Country Square Lane
Louisville, KY. 40291

Honorable Bruce Garrett Anderson
Counsel for Spanish Cove Sanitation
Hargadon, Lenihan, Harbolt &
Herrington
713 West Main Street
Louisville, KY. 40202

RE: Case No. 99-179

We enclose one attested copy of the Commission's Order in
the above case.

Sincerely,

Stephanie Bell

Stephanie Bell
Secretary of the Commission

SB/hv
Enclosure

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

DARRELL CLEM)

COMPLAINANT)

v.)

SPANISH COVE SANITATION SYSTEM, INC.)

DEFENDANT)

CASE NO. 99-179)

ORDER

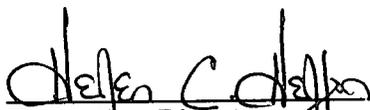
The parties having advised the Commission that they have reached agreement on the matters in dispute and that they require time to commit such agreement to writing, the Commission, on its own motion, HEREBY ORDERS that:

1. The hearing in this matter is continued to November 12, 1999 at 9:00 a.m., Eastern Standard Time, in Hearing Room 1 of the Commission's offices at 730 Schenkel Lane, Frankfort, Kentucky.
2. The parties shall on or before October 11, 1999 file with the Commission their written settlement agreement.

Done at Frankfort, Kentucky, this 1st day of October, 1999.

By the Commission

ATTEST:


Executive Director

HARGADON, LENIHAN, HARBOLT & HERRINGTON

ATTORNEYS AT LAW

713 WEST MAIN STREET

LOUISVILLE, KENTUCKY 40202

JAMES B. LENIHAN
HARRY L. HARGADON, JR.
A. NEAL HERRINGTON
MICHAEL T. COOPER
ERIC J. HANER*

JOHN L. HARBOLT
(1926-1999)

TELEPHONE
(502) 583-9701

FACSIMILE
(502) 589-1144

LIDDELL VAUGHN
BRUCE GARRETT ANDERSON

*ALSO ADMITTED IN INDIANA

September 29, 1999

Public Service Commission
730 Schenkel Lane
P.O. Box 615
Frankfort, KY 40602

RECEIVED
SEP 30 1999
PUBLIC SERVICE
COMMISSION

99-179

RE: Darrell Clem vs. Spanish Cove Sanitation, Inc.

Enclosed please find a Stipulation of Dismissal in the above referenced matter. Please file with the Public Service Commission and return the copy, stamped with the date filed, back to my office. Thank you in advance for your attention to this matter.

Sincerely,

HARGADON, LENIHAN, HARBOLT
& HERRINGTON

Bruce Garrett Anderson/jc

BRUCE GARRETT ANDERSON

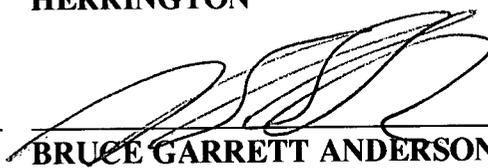
BGA/jc

Enclosures

HARGADON, LENIHAN, HARBOLT &
HERRINGTON



DARRELL CLEM
7600 Country Squire Lane
Louisville, KY 40291
COMPLAINANT



BRUCE GARRETT ANDERSON
713 West Main Street
Louisville, KY 40202
Tel: (502) 583-9701
COUNSEL FOR SPANISH COVE
SANITATION, INC.

RECEIVED
SEP 30 1999
PUBLIC SERVICE
COMMISSION

HARGADON, LENIHAN, HARBOLT & HERRINGTON
ATTORNEYS AT LAW
713 WEST MAIN STREET
LOUISVILLE, KENTUCKY 40202

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

RECEIVED
AUG 31 1999
PUBLIC SERVICE
COMMISSION

In the Matter of:

DARRELL CLEM)

COMPLAINANT)

v.)

SPANISH COVE SANITATION, INC.)

DEFENDANT)

CASE NO. 99-179
CASE NO. 99-178

RESPONSE TO PREHEARING ORDER

Comes Spanish Cove Sanitation, Inc., by counsel, and in response to the Commission's Prehearing Order, hereby states as follows:

1. John Lawson, principal stockholder and president, of Spanish Cove Sanitation, Inc., (SCSI), will testify that all charges were proper and within the tarrified rates of the Defendant.

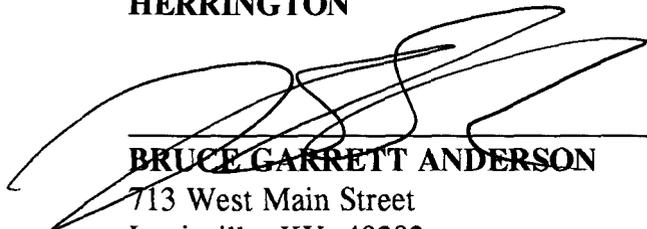
2. All of the documentary evidence was previously filed with the Commission in the prior case, and/or is attached hereto.

3. Defendant reserves the right to call any and all witnesses and introduce any and all evidence for impeachment, rebuttal and/or if called or introduced by the opposing party.

HARGADON, LENIHAN, HARBOLT & HERRINGTON
ATTORNEYS AT LAW
718 WEST MAIN STREET
LOUISVILLE, KENTUCKY 40202

Respectfully submitted,

**HARGADON, LENIHAN, HARBOLT &
HERRINGTON**



BRUCE GARRETT ANDERSON

713 West Main Street
Louisville, KY 40202

Tel: (502) 583-9701

**COUNSEL FOR SPANISH COVE
SANITATION, INC.**

CERTIFICATE OF SERVICE

The undersigned counsel hereby certifies that a true and correct copy of the foregoing was mailed by U.S. Mail, postage prepaid, this 27th day of July, 1999, to the following:

Public Service Commission
P.O. Box 615
730 Schenkel Lane
Frankfort, KY 40602

Darrell Clem
7600 Country Squire Lane
Louisville, KY 40291



BRUCE GARRETT ANDERSON



COMMONWEALTH OF KENTUCKY
PUBLIC SERVICE COMMISSION
730 SCHENKEL LANE
POST OFFICE BOX 615
FRANKFORT, KENTUCKY 40602
www.psc.state.ky.us
(502) 564-3940
Fax (502) 564-3460

Ronald B. McCloud, Secretary
Public Protection and
Regulation Cabinet

Helen Helton
Executive Director
Public Service Commission

Paul E. Patton
Governor

September 13, 1999

Mr. Darrell Clem
7600 Country Squire Lane
Louisville, Kentucky 40291

Re: Case Nos. 99-178 & 99-179

Dear Mr. Clem:

This letter is in response to your letter of August 5, 1999 concerning the above cases. Pursuant to your request, I am enclosing a complete copy of the record of each case.

If we may provide further assistance, feel free to contact us.

Sincerely,

Stephanie Bell

Stephanie Bell
Secretary of the Commission

hv
Enclosures



AN EQUAL OPPORTUNITY EMPLOYER M/F/D



COMMONWEALTH OF KENTUCKY
PUBLIC SERVICE COMMISSION

730 SCHENKEL LANE
POST OFFICE BOX 615
FRANKFORT, KY. 40602
(502) 564-3940

August 20, 1999

John Lawson
President
1622 Huntoon Avenue
Louisville, KY. 40215

Darrell Clem
7600 Country Square Lane
Louisville, KY. 40291

Honorable Bruce Garrett Anderson
Counsel for Spanish Cove Sanitation
Hargadon, Lenihan, Harbolt &
Herrington
713 West Main Street
Louisville, KY. 40202

RE: Case No. 99-179

We enclose one attested copy of the Commission's Order in
the above case.

Sincerely,
Stephanie Bell

Stephanie Bell
Secretary of the Commission

SB/hv
Enclosure

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

DARRELL CLEM)

COMPLAINANT)

v.)

SPANISH COVE SANITATION SYSTEM, INC.)

DEFENDANT)

CASE NO. 99-179

ORDER

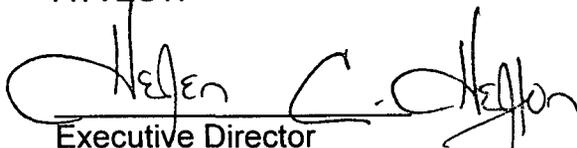
Complainant has moved for the entry of an Order immediately granting the relief requested in his Complaint. In support of his motion, Complaint states that Defendant failed to timely comply with the Commission's Order of June 22, 1999 and that under the terms of that Order he is entitled to his requested relief. Having considered the motion and being otherwise sufficiently advised, the Commission finds that the motion should be denied.

IT IS THEREFORE ORDERED that Complainant's Motion is denied.

Done at Frankfort, Kentucky, this 20th day of August, 1999.

By the Commission

ATTEST:


Executive Director

RECEIVED
AUG 09 1999
PUBLIC SERVICE
COMMISSION

Darrell Clem
7600 Country Squire Lane
Louisville, Ky. 40291
August 5, 1999

Stephanie Bell
Secretary of Commission
Public Service Commission of Ky.
730 Schenkel Lane
P.O. Box 615
Frankfort, Kentucky 40602

Dear Ms. Bell:

I request that all documentation for

CASE NO. ~~99-178~~

CASE NO. 99-179

be mailed to Darrell Clem
7600 Country Squire Lane
Louisville, Kentucky 40291

Thank you very much for your cooperation.

Sincerely yours,


Darrell Clem

Darrell Clem
7600 Country Squire Lane
Louisville, Ky. 40291
August 5, 1999

AUG 06 1999

RECEIVED
COMMISSION

Helen Helton
Executive Director
Public Service Commission of Ky.
730 Schenkel Lane
P.O. Box 615
Frankfort, Kentucky 40602

Dear Ms. Helton:

In the matter of:

DARRELL CLEM)	
COMPLAINANT)	
V.)	CASE NO. 99-179
SPANISH COVE SANITATION, INC.)	
DEFENDANT)	

I ask the Commission to carry out its order and grant the relief that the COMPLAINANT seeks on the grounds that the DEFENANT **did not** answer complaint within the amount of time that was set by the Commission.

The DEFENDANT'S new attorney Bruce Garrett Anderson knew about the case, because CASE NO. 99-178 was answered on July 3, 1999. He also was an attorney working in the law firm that previous represented the DEFENDANT. He has also worked on this case.

Sincerely yours,



Darrell Clem
Complainant: CASE NO. 99-179

cc: Bruce Garrett Anderson
Attorney



COMMONWEALTH OF KENTUCKY
PUBLIC SERVICE COMMISSION

730 SCHENKEL LANE
POST OFFICE BOX 615
FRANKFORT, KY. 40602
(502) 564-3940

August 2, 1999

John Lawson
President
1622 Huntoon Avenue
Louisville, KY. 40215

Darrell Clem
7600 Country Square Lane
Louisville, KY. 40291

Honorable Bruce Garrett Anderson
Counsel for Spanish Cove Sanitation
Hargadon, Lenihan, Harbolt &
Herrington
713 West Main Street
Louisville, KY. 40202

RE: Case No. 99-179

We enclose one attested copy of the Commission's Order in
the above case.

Sincerely,
Stephanie Bell

Stephanie Bell
Secretary of the Commission

SB/hv
Enclosure

c. A copy of all documents and exhibits that it intends to introduce into evidence at the schedule hearing.

3. To be timely filed with the Commission, a document must be received by the Secretary of the Commission within the specified time for filing except that any document shall be deemed timely filed if it has been transmitted by United States express mail, or by other recognized mail carriers, with the date the transmitting agency received said document from the sender noted by the transmitting agency on the outside of the container used for transmitting, within the time allowed for filing.

4. Service of any document or pleading shall be made in accordance with Administrative Regulation 807 KAR 5:001, Section 3(7), and Kentucky Civil Rule 5.02.

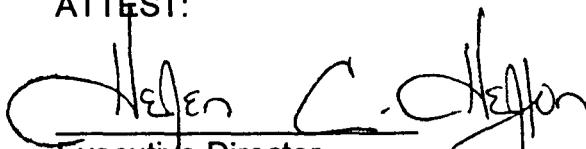
5. As the Complainant bears the burden of proof in this matter, his failure to appear at the formal hearing and to present proof in support of his complaint may result in the dismissal of his complaint with prejudice.

6. The failure of Defendant to appear at the formal hearing may result in the entry of an Order granting the Complainant's requested relief.

Done at Frankfort, Kentucky, this 2nd day of August, 1999.

By the Commission

ATTEST:


Executive Director

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

RECEIVED
JUL 28 1999
PUBLIC SERVICE
COMMISSION

In the Matter of:

DARRELL CLEM)

COMPLAINANT)

v.)

SPANISH COVE SANITATION, INC.)

DEFENDANT)

CASE NO. 99-179

RESPONSE TO SHOW CAUSE ORDER

Comes Spanish Cove Sanitation, Inc., by counsel, and in response to the Commission's

Order of June 22, 1999, hereby states as follows:

1. John Lawson, principal stockholder and president, of Spanish Cove Sanitation, Inc., (SCSI), upon receipt of the Complaint filed herein, forwarded same to the attorney for SCSI for proper handling and the timely filing of a response.

2. However, for reasons unknown to SCSI, no Answer was filed to the Complaint. (Undersigned counsel had previously represented SCSI while an employee of J. Michael Poole & Associates, but had left the firm before the filing of the complaint herein, and had no knowledge of the Complaint until contacted by the Public Service Commission on or about July 27, 1999. Further, undersigned Counsel, in Case No. 99-178, timely filed a response to the show cause order, but was still unaware of the pendency of this action until notified on today's date..

HARGADON, LENIHAN, HARBOLT & HERRINGTON
ATTORNEYS AT LAW
713 WEST MAIN STREET
LOUISVILLE, KENTUCKY 40202

3. SCSI hereby denies the allegations set forth in the Complaint, and asserts that all charges were proper and according to tariff. Further, SCSI asserts the affirmative defenses of accord and satisfaction, estoppel, waiver, collateral estoppel, res judicata, limitations and laches.

4. It would be unfair and inequitable to deny SCSI its rights to due process by this Commission because of the failure of Counsel to properly attend to this matter. Therefore, SCSI respectfully requests this Commission to set this matter for a hearing to determine all issues raised by the Complaint.

Respectfully submitted,

**HARGADON, LENIHAN, HARBOLT &
HERRINGTON**



BRUCE GARRETT ANDERSON

713 West Main Street
Louisville, KY 40202

Tel: (502) 583-9701

COUNSEL FOR SPANISH COVE
SANITATION, INC.

CERTIFICATE OF SERVICE

The undersigned counsel hereby certifies that a true and correct copy of the foregoing was mailed by U.S. Mail, postage prepaid, this 27th day of July, 1999, to the following:

Public Service Commission
P.O. Box 615
730 Schenkel Lane
Frankfort, KY 40602



BRUCE GARRETT ANDERSON



COMMONWEALTH OF KENTUCKY
PUBLIC SERVICE COMMISSION

730 SCHENKEL LANE
POST OFFICE BOX 615
FRANKFORT, KY. 40602
(502) 564-3940

June 22, 1999

John Lawson
President
1622 Huntoon Avenue
Louisville, KY. 40215

Darrell Clem
7600 Country Square Lane
Louisville, KY. 40291

RE: Case No. 99-179

We enclose one attested copy of the Commission's Order in
the above case.

Sincerely,

A handwritten signature in black ink that reads "Stephanie D. Bell".

Stephanie Bell
Secretary of the Commission

SB/sa
Enclosure

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

DARRELL CLEM)
)
) COMPLAINT)
)
 v.) CASE NO. 99-179)
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) SPANISH COVE SANITATION, INC.)
)
) DEFENDANT)

ORDER

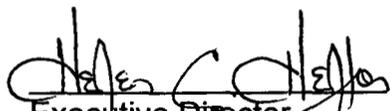
On May 13, 1999, the Commission ordered the Defendant to satisfy the matters set forth in a formal complaint filed with this Commission or, in the alternative, to answer the complaint within 10 days of the date of service of its Order. Defendant was served with a copy of the Commission's Order on May 14, 1999. As of this date, it has not complied with the Order.

IT IS THEREFORE ORDERED that Defendant shall, within 14 days of this Order, show cause in writing why its failure to comply with the Commission's Order of May 13, 1999 should not be considered as an admission of the allegations contained in the complaint and why the Commission should not therefore immediately grant the relief that the Complainant seeks.

Done at Frankfort, Kentucky, this 22nd day of June, 1999.

By the Commission

ATTEST:


Executive Director

US Postal Service
Receipt for Certified Mail

No Insurance Coverage Provided.
Do not use for International Mail (See reverse)

Sent to	John Lawson
Street & Number	1622 Hurtoon Av.
Post Office, State, & ZIP Code	Covington, Ky 40215
Postage	\$ 1.21
Certified Fee	1.40
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	1-25
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$ 3.86
Postmark or Date	

PS Form 3800, April 1995

HU
99-178-111

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- Addressee's Address
 - Restricted Delivery
- Consult postmaster for fee.

3. Article Addressed to:

John Lawson

4a. Article Number

2 319 087 462

4b. Service Type

- Registered Certified
- Express Insured
- Return Receipt for Merchandise COD

7. Delivery Date

MAY 14 5-20-99

5. Received By: (Print Name)

8. Addressee's address only if requested and fee is paid.

6. Signature: (Addressee or Agent)

X [Signature]



HU 99-178 99-179

Thank you for using Domestic Return Receipt Service.



COMMONWEALTH OF KENTUCKY
PUBLIC SERVICE COMMISSION

730 SCHENKEL LANE
POST OFFICE BOX 615
FRANKFORT, KY. 40602
(502) 564-3940

May 13, 1999

John Lawson
President
1622 Huntoon Avenue
Louisville, KY. 40215

Darrell Clem
5428 Del Maria Way
Louisville, KY. 40291

RE: Case No. 99-179

We enclose one attested copy of the Commission's Order in
the above case.

Sincerely,

A handwritten signature in cursive script that reads "Stephanie Bell".

Stephanie Bell
Secretary of the Commission

SB/hv
Enclosure
Certified Mail to John Lawson

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

DARRELL CLEM)	
)	
COMPLAINANT)	
v.)	CASE NO. 99-179
)	
SPANISH COVE SANITATION SYSTEM, INC.)	
)	
DEFENDANT)	

ORDER TO SATISFY OR ANSWER

Spanish Cove Sanitation System, Inc. ("Spanish Cove") is hereby notified that it has been named as defendant in a formal complaint filed on April 29, 1999, a copy of which is attached hereto.

Pursuant to 807 KAR 5:001, Section 12, Spanish Cove is HEREBY ORDERED to satisfy the matters complained of or file a written answer to the complaint within 10 days from the date of service of this Order.

Should documents of any kind be filed with the Commission in the course of this proceeding, the documents shall also be served on all parties of record.

Done at Frankfort, Kentucky, this 13th day of May, 1999.

By the Commission

ATTEST:


Executive Director



COMMONWEALTH OF KENTUCKY
PUBLIC SERVICE COMMISSION
730 SCHENKEL LANE
POST OFFICE BOX 615
FRANKFORT, KENTUCKY 40602
www.psc.state.ky.us
(502) 564-3940
Fax (502) 564-3460

Ronald B. McCloud, Secretary
Public Protection and
Regulation Cabinet

Helen Helton
Executive Director
Public Service Commission

Paul E. Patton
Governor

May 5, 1999

John Lawson
President
1622 Huntoon Avenue
Louisville, KY 40215

Darrell Clem
5428 Del Maria Way
Louisville, KY 40291

RE: Case No. 99-179
SPANISH COVE SANITATION, INC.
(Complaint; Rates) OF DARRELL CLEM
\$1500 CHARGE FOR 3 UNOCCUPIED UNITS

This letter is to acknowledge receipt of initial application in the above case. The application was date-stamped received April 29, 1999 and has been assigned Case No. 99-179 In all future correspondence or filings in connection with this case, please reference the above case number.

If you need further assistance, please contact my staff at 502/564-3940.

Sincerely,
Stephanie Bell

Stephanie Bell
Secretary of the Commission

SB/jc



AN EQUAL OPPORTUNITY EMPLOYER M/F/D

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

Darrell Clem
(Your Full Name)
COMPLAINANT

VS.

Spanish Cove Sanitation, Inc.
(Name of Utility)
DEFENDANT

Case

99-179

RECEIVED
APR 20 1999
PUBLIC SERVICE
COMMISSION

COMPLAINT

The complaint of Darrell Clem
(Your Full Name) respectfully shows:

(a) Darrell Clem
(Your Full Name)

5428 Del Maris Way
(Your Address)

(b) Spanish Cove Sanitation, Inc.
(Name of Utility)

(unknown)
(Address of Utility)

(c) That: Spanish Cove Sanitation, Inc. is trying to charge me
(Describe here, attaching additional sheets if

for \$1,500.00 in sewer charges that I do not owe. They
necessary, the specific act, fully and clearly, or facts

are saying that they made repeated demands for payment
that are the reason and basis for the complaint.)

for this amount. This was the first time I have
received anything from Spanish Cove Sanitation, Inc.

Continued on Next Page

Formal Complaint

Darrell Clem vs Spanish Cove Sanitation, Inc.
(Your Name) (Utility Name)

Page 2

In 1994 I filed a complaint that I dropped,
because the Louisville Water Co. gave me credit for
three commercial units that were not occupied for
six months. The water Co. sent someone to look
at these units and I have notarize statements
to prove this.

Wherefore, complainant asks I would like the Public
(Specifically state the

Service Commission to make the decision on
relief desired.)
this complaint and to stop this sanitation Co.
from this type of tactics and have Spanish Cove
Sanitation credit me and drop this charge.

Dated at Louisville, Kentucky, this 24 day
(Your City)

of April, 1999.
(Month)

Darrell Clem
(Your Signature)

(Name and address of attorney, if any)

I have been billed from the Louisville Water Co. for these sewer bills and have never been bill from Spanish Core Sanitation. If the complaint charge from Spanish Core Sanitation is from 1994 the water Co. gave me credit for \$576.00 plus tax of \$34.56 for a total of \$610.56. This was for 6 months for 3 commercial units that were not occupied. On June 2, 1994 I had already installed new meters and water lines to every unit in this commercial building and they were in operation.

Attached are:

1. Copies of notarize affidavits showing that these units were unoccupied.
2. Copies of the water bills from
1/94 - 2/95
3. Copy of the complaint that was filed against me (Darrell Clem)

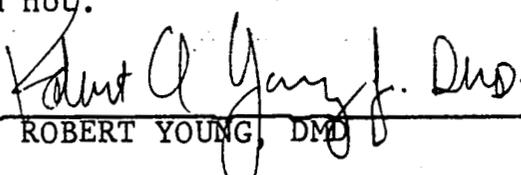
State of Kentucky)
) SS
County of Jefferson)

AFFIDAVIT

Comes Robert Young, DMD, and after being first
duly sworn, states I am the tenant and lessee of unit
known as 5432 Del Maria Way, Louisville, Jefferson
County, Kentucky and have leased said premises since
10/1, 1993.

Since my occupancy, I personally know that
5430, 5436 and 5438 Del Maria Way have been vacant and
unoccupied.

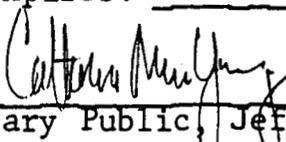
Further, affiant sayeth not.



ROBERT YOUNG, DMD

Subscribed and sworn to before me by Robert
Young, DMD, this 25 day of June, 1994.

My commission expires: 11-20-96



Notary Public, Jefferson County, Kentucky

STATE OF KENTUCKY)
) SS
COUNTY OF JEFFERSON)

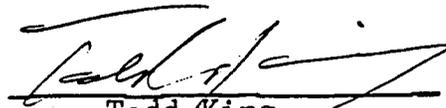
AFFIDAVIT

Comes the Affiant, Todd King, and after being first duly sworn, states that he is the tenant and lessee of two parcels or units of Spanish Cove located on Del Maria, Jefferson County, Kentucky, known as TK's Pub and Bull Frog Garden.

Affiant states that he has rented and leased the two parcels or unit for at least the last seven (7) years. Affiant states that the two adjoining parcels or units known as 5436 and 5438, and the corner parcel or unit known as unit 5430 have been vacant for some period of time and that they have been continuously vacant from December 1, 1993 to this date.

Affiant further states that he has one water line to service both of his parcels.

Further Affiant sayeth not.


Todd King

Subscribed and sworn to before me by Todd King this 26th day of June, 1994.

My commission expires February 5, 1996


Notary Public, Jefferson County, Kentucky

Drainage Statement

LOUISVILLE & JEFFERSON COUNTY METROPOLITAN
SEWER DISTRICT DRAINAGE 587-0803
TELEPHONE CUSTOMER SERVICE HOURS
MONDAY - FRIDAY 8:15 A.M. - 5:00 P.M.

ITEM	AMOUNT
PREVIOUS BALANCE	.00
CURRENT DRAINAGE	86.96
TOTAL DRAINAGE	86.96

Sewer Statement

SPANISH COVE
361-8844

SERVICE		NUMBER OF DAYS
FROM	TO	
12/09	02/03	56

ITEM	AMOUNT
PREVIOUS BALANCE	.00
CURRENT SEWER	595.20
SALES TAX	35.71
TOTAL SEWER	630.91

Water Statement

LOUISVILLE WATER COMPANY 583-8610 TDD 569-3601

YOUR ACCOUNT NUMBER IS

TELEPHONE CUSTOMER SERVICE HOURS
MONDAY - FRIDAY 8:00 A.M. - 8:00 P.M.
SATURDAY 8:30 A.M. - 12:30 P.M.

CASHIER HOURS
MONDAY - FRIDAY
8:00 A.M. - 5:00 P.M.

34 5

8W 03600-05

SERVICE ADDRESS 5428 DELMARTA WAY
ATTACHMENT 006455

SERVICE		NUMBER OF DAYS	AVERAGE COST PER DAY
FROM	TO		
12/09	02/03	56	4.27

METER READINGS		CONSUMPTION IN UNITS OF 1000 GALLONS
FROM	TO	
6725	6850	125

METER SIZE 1 INCH

ITEM	AMOUNT
PREVIOUS BALANCE	.00
CURRENT WATER	225.66
SALES TAX	13.54
DPST APLD	150.00
<i>389.26</i> TOTAL WATER	<u>389.20</u>

Paid OK no 6560*

OK. Alyn

LAST PAYMENT AMOUNT DATE PROCESSED

PAY THIS AMOUNT	DUE DATE	PAY THIS AMOUNT
1,123.38	03-02-94	1,107.07
AFTER DUE DATE		BY DUE DATE

Paid 225.66 water bill
13.54 water sales tax
150.00 deposit
Total 389.20 *Check No. 6560*

Drainage Statement

LOUISVILLE & JEFFERSON COUNTY METROPOLITAN
SEWER DISTRICT DRAINAGE 587-0803
TELEPHONE CUSTOMER SERVICE HOURS
MONDAY - FRIDAY 8:15 A.M. - 5:00 P.M.

ITEM	AMOUNT
PREVIOUS BALANCE	86.96
CURRENT DRAINAGE	93.50
TOTAL DRAINAGE	180.46

Sewer Statement

SPANISH COVE
361-8844

SERVICE		NUMBER OF DAYS
FROM	TO	
02/03	04/04	60

ITEM	AMOUNT
PREVIOUS BALANCE	630.93
CURRENT SEWER	640.00
SALES TAX	38.40
TOTAL SEWER	1,309.33

Water Statement

LOUISVILLE WATER COMPANY 583-8810 TDD: 589-3601 YOUR ACCOUNT NUMBER IS

TELEPHONE CUSTOMER SERVICE HOURS
MONDAY - FRIDAY 8:00 A.M. - 8:00 P.M.
SATURDAY 8:30 A.M. - 12:30 P.M.

CASHIER HOURS
MONDAY - FRIDAY
8:00 A.M. - 5:00 P.M.

34 S

8W 03600-05

SERVICE ADDRESS 5428 DELMARIA WAY
ATTACHMENT 006455

SERVICE		NUMBER OF DAYS	AVERAGE COST PER DAY
FROM	TO		
02/03	04/04	60	4.37

METER READINGS		CONSUMPTION IN UNITS OF 1000 GALLONS
FROM	TO	
6853	6987	137

METER SIZE 1 INCH

ITEM	AMOUNT
PREVIOUS BALANCE	.00
CURRENT WATER	247.28
SALES TAX	14.84
<i>Paid with #6629</i> 262.12	
TOTAL WATER	262.12

5-2-94 Paid water only with #6629

LAST PAYMENT AMOUNT 389.20 DATE PROCESSED MAR 02 1994

PAY THIS AMOUNT	DUE DATE	PAY THIS AMOUNT
1,759.68	05-03-94	1,751.89
AFTER DUE DATE		BY DUE DATE

*Paid 247.28 water bill
14.84 Sales Tax
Total 262.12 Ck. No. 6629*

Drainage Statement

LOUISVILLE & JEFFERSON COUNTY METROPOLITAN
SEWER DISTRICT DRAINAGE 587-0603
TELEPHONE CUSTOMER SERVICE HOURS
MONDAY - FRIDAY 8:15 A.M. - 5:00 P.M.

ITEM	AMOUNT
PREVIOUS BALANCE	93.50
CURRENT DRAINAGE	93.50
LATE CHRG	4.68
TOTAL DRAINAGE	191.68

PAID CT NO # 6735

Sewer Statement

SPANISH COVE
361-8844

SERVICE FROM	SERVICE TO	NUMBER OF DAYS
04/04	06/02	59

ITEM	AMOUNT
PREVIOUS BALANCE	1,309.31
CURRENT SEWER	640.00
SALES TAX	38.40
TOTAL SEWER	1,987.71

Water Statement

LOUISVILLE WATER COMPANY 583-6610 TDD 569-3601
TELEPHONE CUSTOMER SERVICE HOURS
MONDAY - FRIDAY 8:00 A.M. - 8:00 P.M.
SATURDAY 8:30 A.M. - 12:30 P.M.
CASHIER HOURS
MONDAY - FRIDAY 8:00 A.M. - 5:00 P.M.

YOUR ACCOUNT NUMBER IS

34 5

8W 03600-05

SERVICE ADDRESS 5428 DELMARIA WAY
ATTACHMENT 006455

SERVICE FROM	SERVICE TO	NUMBER OF DAYS	AVERAGE COST PER DAY
04/04	06/02	59	3.13

METER READINGS FROM	METER READINGS TO	CONSUMPTION IN UNITS OF 1000 GALLONS
6987	7081	94

METER SIZE 1 INCH

ITEM	AMOUNT
PREVIOUS BALANCE	86.96
CURRENT WATER	174.18
SALES TAX	10.45
LATE CHRG	13.11
TOTAL WATER	284.70

PAID CT NO # 6711 = 184.63

LAST PAYMENT AMOUNT 262.12
DATE PROCESSED MAY 02 1994

PAY THIS AMOUNT	DUE DATE	PAY THIS AMOUNT
2,473.00	05-30-94	2,464.09
AFTER DUE DATE		BY DUE DATE

*Paid 174.18 water bill
10.45 Sales Tax
Total 184.63 Ck. No. 6711*

Leaving a sewer balance of 1,987.71

*Paid 191.68 Drainage
Previous Balance 86.96 Drainage
Total 278.64 Ck. No. 6735*

The water company had put the drainage charge on the water bill. They took this charge and late charge off the water bill and I paid the previous drainage charge with the above amount.

Drainage Statement

LOUISVILLE & JEFFERSON COUNTY METROPOLITAN
SEWER DISTRICT DRAINAGE 587-0603
TELEPHONE CUSTOMER SERVICE HOURS
MONDAY - FRIDAY 8:15 A.M. - 5:00 P.M.

ITEM	AMOUNT
PREVIOUS BALANCE	.00
CURRENT DRAINAGE	22.00
TOTAL DRAINAGE	22.00

Sewer Statement

SPANISH COVE
361-8844

FROM	SERVICE TO	NUMBER OF DAYS
06/02	08/03	62

*CK No. 6787
Paid 106.04*

ITEM	AMOUNT
PREVIOUS BALANCE	1,377.15
CURRENT SEWER	64.00
SALES TAX	3.84
TOTAL SEWER	1,444.99

Water Statement

LOUISVILLE WATER COMPANY 583-6610 TDD 569-3601
TELEPHONE CUSTOMER SERVICE HOURS MONDAY - FRIDAY 8:00 A.M. - 8:00 P.M. SATURDAY 8:30 A.M. - 12:30 P.M.
CASHIER HOURS MONDAY - FRIDAY 8:00 A.M. - 5:00 P.M.

YOUR ACCOUNT NUMBER IS

34 5 **8W 03600-05**

SERVICE ADDRESS 5428 DELMARIA WAY
ATTACHMENT 006455

FROM	SERVICE TO	NUMBER OF DAYS	AVERAGE COST PER DAY
06/02	08/03	62	.26

FROM	METER READINGS TO	CONSUMPTION IN UNITS OF 1000 GALLONS
EXCHANGE	2	6

METER SIZE 3/4 INCH

ITEM	AMOUNT
PREVIOUS BALANCE	.00
CURRENT WATER	15.28
SALES TAX	.92
TOTAL WATER	16.20

LAST PAYMENT AMOUNT 278.64
DATE PROCESSED JUL 13 1994

PAY THIS AMOUNT 1,445.10 AFTER DUE DATE	DUE DATE 08-30-94	PAY THIS AMOUNT 1,445.19 BY DUE DATE
---	----------------------	--

Paid
 22.00 Drainage
 64.00 Current sewer bill
 3.84 Sewer Sales Tax
 15.28 Water
 .92 Water sales Tax

Total 106.04 Ck. No. 6787

The water company credited my account of the previous bill with \$516.00 plus \$34.56 sales tax totaling \$610.56

*June 2 Total Sewer 1,987.71
 Less - 610.56 Credit
 leaving 1,377.15 Balance Due on Sewer*

Drainage Statement

LOUISVILLE & JEFFERSON COUNTY METROPOLITAN
SEWER DISTRICT DRAINAGE 587-0803
TELEPHONE CUSTOMER SERVICE HOURS
MONDAY - FRIDAY 8:15 A.M. - 5:00 P.M.

ITEM	AMOUNT
PREVIOUS BALANCE	22.00
CURRENT DRAINAGE	22.00
TOTAL DRAINAGE	44.00

Sewer Statement

SPANISH COVE
361-8844

SERVICE		NUMBER OF DAYS
FROM	TO	
08/03	10/04	62

CK # 6848

ITEM	AMOUNT
PREVIOUS BALANCE	1,355.15
CURRENT SEWER	64.00
SALES TAX	3.84
TOTAL SEWER	1,422.99

Paid 877.22

Water Statement

LOUISVILLE WATER COMPANY 583-8810 TDD 589-3801
TELEPHONE CUSTOMER SERVICE HOURS MONDAY - FRIDAY 8:00 A.M. - 8:00 P.M. SATURDAY 8:30 A.M. - 12:30 P.M.
CASHIER HOURS MONDAY - FRIDAY 8:00 A.M. - 5:00 P.M.

YOUR ACCOUNT NUMBER IS

34 5 **BW 03600-05**

SERVICE ADDRESS 5428 DELMARIA WAY
ATTACHMENT 006455

SERVICE		NUMBER OF DAYS	AVERAGE COST PER DAY
FROM	TO		
08/03	10/04	62	.31

METER READINGS		CONSUMPTION IN UNITS OF 1000 GALLONS
FROM	TO	
2	10	8

METER SIZE 3/4 INCH

ITEM	AMOUNT
PREVIOUS BALANCE	.00
CURRENT WATER	18.28
SALES TAX	1.10
TOTAL WATER	19.38

*Paid 877.22
CK # 6848*

NO PENALTY CHARGED ON LAST LATE PAYMENT

LAST PAYMENT AMOUNT 106.04 DATE PROCESSED SEP 08 1994

PAY THIS AMOUNT*	DUE DATE	PAY THIS AMOUNT
1,488.44	11-01-94	1,486.37
AFTER DUE DATE		BY DUE DATE

*Paid \$ 44.00 drainage
64.00 current sewer
3.84 sewer sales tax
746.00 on previous sewer
18.28 water
1.10 water sales tax*

Total 877.22 CK. No. 6848

Leaving 609.15 sewer Balance

Drainage Statement

LOUISVILLE & JEFFERSON COUNTY METROPOLITAN
SEWER DISTRICT DRAINAGE 587-0603
TELEPHONE CUSTOMER SERVICE HOURS
MONDAY - FRIDAY 8:15 A.M. - 5:00 P.M.

*Paid ck no #
6918*

ITEM	AMOUNT
PREVIOUS BALANCE	.00
CURRENT DRAINAGE	22.00
TOTAL DRAINAGE	22.00

Sewer Statement

SPANISH COVE
363-8844

730.13

SERVICE		NUMBER OF DAYS
FROM	TO	
10/04	12/02	59

ITEM	AMOUNT
PREVIOUS BALANCE	609.15
CURRENT SEWER	64.00
SALES TAX	3.84
TOTAL SEWER	676.99

Water Statement

LOUISVILLE WATER COMPANY 583-6810 TDD 569-3601
TELEPHONE CUSTOMER SERVICE HOURS
MONDAY - FRIDAY 8:00 A.M. - 8:00 P.M.
SATURDAY 8:30 A.M. - 12:30 P.M.
CASHIER HOURS
MONDAY - FRIDAY 8:00 A.M. - 5:00 P.M.

YOUR ACCOUNT NUMBER IS

34 5 **8W 03600-05**

SERVICE ADDRESS 5428 DELMARIA WAY
ATTACHMENT 006455

SERVICE		NUMBER OF DAYS	AVERAGE COST PER DAY
FROM	TO		
10/04	12/02	59	.53

METER READINGS		CONSUMPTION IN UNITS OF 1000 GALLONS
FROM	TO	
10	25	15

METER SIZE 3/4 INCH

ITEM	AMOUNT
PREVIOUS BALANCE	.00
CURRENT WATER	29.38
SALES TAX	1.76
TOTAL WATER	31.14

LAST PAYMENT AMOUNT 877.22
DATE PROCESSED NOV 04 1994

PAY THIS AMOUNT 732.79
DUE DATE 01-03-95
AFTER DUE DATE
 PAY THIS AMOUNT 730.13
BY DUE DATE

Paid

22.00	drainage
609.15	Previous sewer balance
64.00	current sewer
3.84	sewer sales tax
29.38	Water
1.76	water sales tax

Total 730.13 ck. No. 6918

Drainage Statement

LOUISVILLE & JEFFERSON COUNTY METROPOLITAN
SEWER DISTRICT DRAINAGE 587-0803
TELEPHONE CUSTOMER SERVICE HOURS
MONDAY - FRIDAY 8:15 A.M. - 5:00 P.M.

ITEM	AMOUNT
PREVIOUS BALANCE	.00
CURRENT DRAINAGE	22.00
TOTAL DRAINAGE	22.00

Sewer Statement

SPANISH COVE
361-8844

SERVICE		NUMBER OF DAYS
FROM	TO	
12/02	02/02	62

ITEM	AMOUNT
PREVIOUS BALANCE	.00
CURRENT SEWER	64.00
SALES TAX	3.84
TOTAL SEWER	67.84

Water Statement

LOUISVILLE WATER COMPANY 583-6610 • TDD 569-3601
TELEPHONE CUSTOMER SERVICE HOURS
MONDAY - FRIDAY 8:00 A.M. - 8:00 P.M.
SATURDAY 8:30 A.M. - 12:30 P.M.

CASHIER HOURS
MONDAY - FRIDAY
8:00 A.M. - 5:00 P.M.

YOUR ACCOUNT NUMBER IS

34 5

8W 03600-05

SERVICE ADDRESS 5428 DELMARIA WAY
ATTACHMENT 006455

SERVICE		NUMBER OF DAYS	AVERAGE COST PER DAY
FROM	TO		
12/02	02/02	62	.52

METER READINGS		CONSUMPTION IN UNITS OF 1000 GALLONS
FROM	TO	
25	40	15

METER SIZE 3/4 INCH

ITEM	AMOUNT
PREVIOUS BALANCE	.00
CURRENT WATER	30.22
SALES TAX	1.81
<i>Ranch note 6966</i>	
TOTAL WATER	32.03

LAST PAYMENT AMOUNT 730.13
DATE PROCESSED DEC 28 1994

PAY THIS AMOUNT 124.57 AFTER DUE DATE	DUE DATE 03-02-95	PAY THIS AMOUNT 121.87 BY DUE DATE
---	----------------------	--

This statement shows that all charges were paid in full and from this date forward no other charges have been made against this account.

NO.

PC105556

JEFFERSON CIRCUIT COURT

DIVISION

SPANISH COVE SANITATION, INC.

JEFFERSON CIRCUIT COURT PLAINTIFF
DIVISION ELEVEN (11)

V.

COMPLAINT

DARRELL CLEM
7600 Country Squire Lane
Jeffersontown, KY 40299

DEFENDANT

*** **

Comes the Plaintiff, Spanish Cove Sanitation, Inc., by counsel, and for its complaint against the Defendant herein, Darrell Clem, states as follows:

1. The Plaintiff is a corporation authorized and existing under the laws of the Commonwealth of Kentucky, and is a provider of sewer disposal services as defined in the Kentucky Revised Statutes.

2. Darrell Clem, at all times relevant herein, was, and is, a resident of the county of Jefferson, Commonwealth of Kentucky.

3. That the Defendant, Darrell Clem, owns certain real property, located on or about the fifty-four hundred block of Del Maria Way, Louisville, Kentucky.

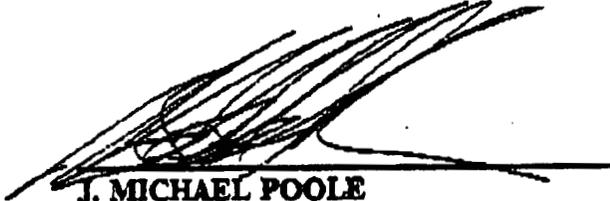
4. That the Plaintiff, as a provider of sewage treatment services, did, at various dates, provide sewage treatment services for the property owned and/or operated by the Defendant, Darrell Clem.

5. That, the Defendant, Darrell Clem, has failed and refused to pay all amounts due for said sewage treatment services, and there exists a balance due and outstanding, in excess of \$1,500.00.

6. That the Plaintiff has made repeated demands upon the Defendant for payment of same, and the Defendant has failed and refused to pay same.

WHEREFORE, Plaintiff demands judgment against the Defendant, Darrell Clem,
as follows:

1. Judgment for the amount of fees owed to the Plaintiff by the Defendant, said amount to be determined by the proof, evidence, and the Court;
2. Any and all further relief to which they may appear entitled, including a reasonable attorney's fee.



J. MICHAEL POOLE
BRUCE GARRETT ANDERSON
ED MONARCH
J. Michael Poole & Associates
Starks Building
455 S. 4th Avenue, Suite 610
Louisville, KY 40202-2509
(502) 587-0063

COUNSEL FOR PLAINTIFF

Darrell Clem
7600 Country Squire Lane
Louisville, Ky. 40291

Kentucky Public Service Commission
P.O. Box 615
Frankfort, Ky. 40602

Re: Case No. 99-179
Darrell Clem vs
Spanish Cove Sanitation System, Inc.

RECEIVED
AUG 30 1999
PUBLIC SERVICE
COMMISSION

Dear Sir/Madam:

Enclosed are copies of the original complainant and documents.

1. Copy of original complainant.
2. Copies of drainage, sewer and water statements.
3. Copies of paid checks of the same.
4. Copy of complaint filed in Jefferson Circuit Court, Division Eleven (11).
5. Two (2) Notarize Affidavits showing that three (3) units were vacant and unoccupied.
6. Two (2) letters from Louisville Water Company showing bills were paid.
7. Stipulation signed by J. Michael Poole, Attorney At Law and John Lawson, President of Spanish Cove Sanitation Company showing in Number Six (6) of Stipulation that the three (3) units were vacant and unoccupied.
8. Copy of letter from James Sohan, Attorney At Law, showing no proof of billing was ever introduced in Jefferson Circuit Court.
9. Copy of letter from Public Service Commission showing the staff conclusion. Also showing they were unable to discuss this with Mr. Lawson after repeated attempts.
10. Copy of original letter sent to Mr. Lawson on sewer billing.

Very truly yours,



Darrell Clem

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

Darrell Clem
(Your Full Name)
COMPLAINANT

VS.

Spanish Cove Sanitation, Inc.
(Name of Utility)
DEFENDANT

COMPLAINT

The complaint of Darrell Clem
(Your Full Name) respectfully shows:

(a) Darrell Clem
(Your Full Name)

5428 Del Maria Way
(Your Address)

(b) Spanish Cove Sanitation, Inc.
(Name of Utility)

(unknown)
(Address of Utility)

(c) That: Spanish Cove Sanitation, Inc. is trying to charge me
(Describe here, attaching additional sheets if

for \$1,500.00 in sewer charges that I do not owe. They
necessary, the specific act, fully and clearly, or facts

are saying that they made repeated demands for payment
that are the reason and basis for the complaint.)

for this amount. This was the first time I have
received anything from Spanish Cove Sanitation, Inc.

Continued on Next Page

Formal Complaint

Darrell Clem vs Spanish Cove Sanitation, Inc.
(Your Name) (Utility Name)

Page 2

In 1994 I filed a complaint that I dropped,
because the Louisville Water Co. gave me credit for
three commercial units that were not occupied for
six months. The water Co. sent someone to look
at these units and I have notarize statements
to prove this.

Wherefore, complainant asks I would like the Public
(Specifically state the

Service Commission to make the decision on
relief desired.)
this complaint and to stop this sanitation Co.
from this type of tactics and have Spanish Cove
Sanitation credit me and drop this charge.

Dated at Louisville, Kentucky, this 24 day
(Your City)

of April, 1999.
(Month)

Darrell Clem
(Your Signature)

(Name and address of attorney, if any)

I have been billed from the Louisville Water Co. for these sewer bills and have never been bill from Spanish Cove Sanitation. If the complaint charge from Spanish Cove Sanitation is from 1994 the water Co. gave me credit for \$576.00 plus tax of \$34.56 for a total of \$610.56. This was for 6 months for 3 commercial units that were not occupied. On June 2, 1994 I had already installed new meters and water lines to every unit in this commercial building and they were in operation.

Attached are:

1. Copies of notarize affidavits showing that these units were unoccupied.
2. Copies of the water bills from 1/94 - 2/95
3. Copy of the complaint that was filed against me (Darrell Clem)

Drainage Statement

LOUISVILLE & JEFFERSON COUNTY METROPOLITAN
SEWER DISTRICT DRAINAGE 587-0603

TELEPHONE CUSTOMER SERVICE HOURS
MONDAY - FRIDAY 8:15 A.M. - 5:00 P.M.

ITEM	AMOUNT
PREVIOUS BALANCE	.00
CURRENT DRAINAGE	86.96
TOTAL DRAINAGE	86.96

Sewer Statement

SPANISH COVE
361-8844

SERVICE		NUMBER OF DAYS
FROM	TO	
12/09	02/03	56

ITEM	AMOUNT
PREVIOUS BALANCE	.00
CURRENT SEWER	595.20
SALES TAX	35.71
TOTAL SEWER	630.91

Water Statement

LOUISVILLE WATER COMPANY

583-6610 TDD 569-3601

YOUR ACCOUNT NUMBER IS

TELEPHONE CUSTOMER SERVICE HOURS
MONDAY - FRIDAY 8:00 A.M. - 8:00 P.M.
SATURDAY 8:30 A.M. - 12:30 P.M.

CASHIER HOURS
MONDAY - FRIDAY
8:00 A.M. - 5:00 P.M.

345

8W 03600-05

SERVICE ADDRESS 5428 DELMARIA WAY
ATTACHMENT 006455

SERVICE		NUMBER OF DAYS	AVERAGE COST PER DAY
FROM	TO		
12/09	02/03	56	4.27

METER READINGS		CONSUMPTION IN UNITS OF 1000 GALLONS
FROM	TO	
6725	6850	125

METER SIZE 1 INCH

ITEM	AMOUNT
PREVIOUS BALANCE	.00
CURRENT WATER	225.66
SALES TAX	13.54
DPST APLD	150.00
<i>Paid CK no # 6560</i> 389.20	TOTAL WATER 389.20

LAST PAYMENT AMOUNT

DATE PROCESSED

PAY THIS AMOUNT	DUE DATE	PAY THIS AMOUNT
1,123.38	03-02-94	1,107.07
AFTER DUE DATE		BY DUE DATE

Paid 225.66 water bill
13.54 water sales tax
150.00 deposit
389.20
Total 389.20 Check No. 6560

DARRELL CLEM 0563
JANICE CLEM
PH. 502-239-0880
7000 BILDTOWN RD.
JEFFERSONTOWN KY 40299

21-10³⁴
830

6560

3-1-1994

PAY TO THE
ORDER OF

Lov. WATER CO.

\$ 389.20

three hundred & eighty nine dollars & 20/100 DOLLARS

PNCBANK

PNC Bank, Kentucky, Inc. Premium
Louisville, KY 40201 Plan

Darrell Clem

MEMO

⑆083000108⑆ 6560⑆3003426182⑆ ⑆0000038920⑆

8224 2Mar94 M2 #2
Tue Mar 1, 1994 3:21 PM
0022433892030860005 Walk-In
ITEMS: Check RD 389.20
For Dep to Acct of LWC 00074950

23590

LIBERTY BANK
MAR 03 1994
MR 97 03

00100
0880

Drainage Statement

LOUISVILLE & JEFFERSON COUNTY METROPOLITAN
SEWER DISTRICT DRAINAGE 587-0603
TELEPHONE CUSTOMER SERVICE HOURS
MONDAY - FRIDAY 8:15 A.M. - 5:00 P.M.

ITEM	AMOUNT
PREVIOUS BALANCE	86.96
CURRENT DRAINAGE	93.50
TOTAL DRAINAGE	180.46

Sewer Statement

SPANISH COVE
361-8844

SERVICE		NUMBER OF DAYS
FROM	TO	
02/03	04/04	60

ITEM	AMOUNT
PREVIOUS BALANCE	630.91
CURRENT SEWER	640.00
SALES TAX	38.40
TOTAL SEWER	1,309.31

Water Statement

LOUISVILLE WATER COMPANY

583-6610 TDD 569-3601

YOUR ACCOUNT NUMBER IS

TELEPHONE CUSTOMER SERVICE HOURS
MONDAY - FRIDAY 8:00 A.M. - 8:00 P.M.
SATURDAY 8:30 A.M. - 12:30 P.M.

CASHIER HOURS
MONDAY - FRIDAY
8:00 A.M. - 5:00 P.M.

34 5 **8W 03600-05**

SERVICE ADDRESS **5428 DELMARIA WAY**
ATTACHMENT **006455**

SERVICE		NUMBER OF DAYS	AVERAGE COST PER DAY
FROM	TO		
02/03	04/04	60	4.37

METER READINGS		CONSUMPTION IN UNITS OF 1000 GALLONS
FROM	TO	
6850	6987	137

METER SIZE **1 INCH**

ITEM	AMOUNT
PREVIOUS BALANCE	.00
CURRENT WATER	247.28
SALES TAX	14.84
<i>Paid in note # 6629</i> <i>262.12</i>	
TOTAL WATER	262.12

LAST PAYMENT AMOUNT **389.20** DATE PROCESSED **MAR 02 1994**

PAY THIS AMOUNT 1,759.68	DUE DATE 05-03-94	PAY THIS AMOUNT 1,751.89
AFTER DUE DATE		BY DUE DATE

Paid 247.28 water bill
14.84 Sales Tax
Total 262.12 *Ck. No. 6629*

Drainage Statement

LOUISVILLE & JEFFERSON COUNTY METROPOLITAN
SEWER DISTRICT DRAINAGE 587-0603
TELEPHONE CUSTOMER SERVICE HOURS
MONDAY - FRIDAY 8:15 A.M. - 5:00 P.M.

ITEM	AMOUNT
PREVIOUS BALANCE	93.50
CURRENT DRAINAGE	93.50
LATE CHRG	4.68
TOTAL DRAINAGE	191.68

Sewer Statement

SPANISH COVE
361-8844

SERVICE		NUMBER
FROM	TO	OF DAYS
04/04	06/02	59

ITEM	AMOUNT
PREVIOUS BALANCE	1,309.31
CURRENT SEWER	640.00
SALES TAX	38.40
TOTAL SEWER	1,987.71

Water Statement

LOUISVILLE WATER COMPANY 583-8610 TDD 569-3601
TELEPHONE CUSTOMER SERVICE HOURS MONDAY - FRIDAY 8:00 A.M. - 8:00 P.M. SATURDAY 8:30 A.M. - 12:30 P.M.
CASHIER HOURS MONDAY - FRIDAY 8:00 A.M. - 5:00 P.M.

YOUR ACCOUNT NUMBER IS

34 5 8W 03600-05

SERVICE ADDRESS 5428 DELMARIA WAY
ATTACHMENT 006455

SERVICE		NUMBER	AVERAGE COST
FROM	TO	OF DAYS	PER DAY
04/04	06/02	59	3.13

METER READINGS		CONSUMPTION
FROM	TO	IN UNITS OF 1000 GALLONS
6987	7081	94

METER SIZE 1 INCH

ITEM	AMOUNT
PREVIOUS BALANCE	86.96
CURRENT WATER	174.18
SALES TAX	10.45
LATE CHRG	13.11
TOTAL WATER	284.70

PAID
CK No # 6711 = 184.63

LAST PAYMENT AMOUNT 262.12 DATE PROCESSED MAY 02 1994

PAY THIS AMOUNT 2,478.00	DUE DATE 06-30-94	PAY THIS AMOUNT 2,464.09
AFTER DUE DATE		BY DUE DATE

*Paid 174.18 water bill
10.45 Sales Tax
Total 184.63 Ck. No. 6711*

leaving a sewer balance of 1,987.71

*Paid 191.68 Drainage
Previous Balance 86.96 Drainage
Total 278.64 Ck. No. 6735*

The water company had put the drainage charge on the water bill. They took this charge and late charge off the water bill and I paid the previous drainage charge with the above amount.

DELUXE NEWPORT DEK

DARRELL CLEM 0563

21-10-34
830

6711

JANICE CLEM

PH. 502-239-0880

7000 BILTOWN RD.

JEFFERSONTOWN KY 40299

PAY TO THE
ORDER OF

Love Water Co.

\$ 184.63

DOLLARS

and handled by my friend for you

PNC BANK

PNC Bank, Kentucky, Inc.
Louisville, KY 050

Premium
Plan

MEMO *McC. 7-14 RW-036 005*

Darrell Clem

MP

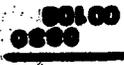
⑆083000108⑆ 5711⑆3003425182⑆

⑆0000018463⑆

0396 3 \$184.63 10:20 AM M2
1 ITEMS: Check PD #1
For Dep to Acct of LMC 00075560910291H
184.63
WALK-IN

52405075560910291H
1540740411080150
055H2000000018463

20 J6 AJ



DARRELL CLEM 0563

21-10
830

6735

JANICE CLEM

PH. 502-239-0880
7000 BILLOWN RD.

JEFFERSONTOWN KY 40299

7-12-94

PAY TO THE
ORDER OF

Agre. WITON Co.

\$ 278.64

DOLLARS

Two hundred & seventy eight and 64/100

PNCBANK

PNC Bank, Kentucky, Inc.
Louisville KY 050

Premium
Plan

MEMO *Kevin Ball*

Darrell Clem

⑆083000108⑆ ⑆735⑆3003426182⑆

⑆0000027864⑆

9052 13JUL94

M2 #1

Tue Jul 12, 1994 1:43 PM

0019 3 \$278.64 340360005 Walk-In

1 ITEMS: Check PD 278.64

For Dep to Acct of LMC 00074950

⑆55150421140205511⑆
⑆55150421140205511⑆
⑆55150421140205511⑆
⑆55150421140205511⑆

Drainage Statement

LOUISVILLE & JEFFERSON COUNTY METROPOLITAN
SEWER DISTRICT DRAINAGE 587-0603

TELEPHONE CUSTOMER SERVICE HOURS
MONDAY - FRIDAY 8:15 A.M. - 5:00 P.M.

ITEM	AMOUNT
PREVIOUS BALANCE	.00
CURRENT DRAINAGE	22.00
TOTAL DRAINAGE	22.00

Sewer Statement

SPANISH COVE
361-8844

SERVICE FROM	SERVICE TO	NUMBER OF DAYS
06/02	08/03	62

*CK 106
6787
Paid 106.04*

ITEM	AMOUNT
PREVIOUS BALANCE	1,377.15
CURRENT SEWER	64.00
SALES TAX	3.84
TOTAL SEWER	1,444.99

Water Statement

LOUISVILLE WATER COMPANY

583-6610 TDD 569-3601

YOUR ACCOUNT NUMBER IS

TELEPHONE CUSTOMER SERVICE HOURS
MONDAY - FRIDAY 8:00 A.M. - 8:00 P.M.
SATURDAY 8:30 A.M. - 12:30 P.M.

CASHIER HOURS
MONDAY - FRIDAY
8:00 A.M. - 5:00 P.M.

34 5

8W 03600-05

SERVICE ADDRESS 5428 DELMARIA WAY
ATTACHMENT 006455

SERVICE FROM	SERVICE TO	NUMBER OF DAYS	AVERAGE COST PER DAY
06/02	08/03	62	.26

METER READINGS FROM	METER READINGS TO	CONSUMPTION IN UNITS OF 1000 GALLONS
EXCHANGE	2	6

METER SIZE 3/4 INCH

ITEM	AMOUNT
PREVIOUS BALANCE	.00
CURRENT WATER	15.28
SALES TAX	.92
TOTAL WATER	16.20

LAST PAYMENT AMOUNT 278.64
DATE PROCESSED JUL 13 1994

PAY THIS AMOUNT 1,485.10 AFTER DUE DATE	DUE DATE 08-30-94	PAY THIS AMOUNT 1,483.19 BY DUE DATE
---	----------------------	--

Paid

22.00	Drainage
64.00	Current sewer bill
3.84	Sewer Sales Tax
15.28	Water
.92	Water sales Tax

Total 106.04 CK.No. 6787

The water company credited my account of the previous bill with \$576.00 plus \$34.56 sales tax totaling \$610.56

*June 2 Total Sewer 1,987.71
Less - 610.56 Credit
Leaving 1,377.15 Balance Due on Sewer*

DARRRELL GLENNI 088888
JANICE GLENNI

21-10
880

6787

PAY TO THE ORDER OF

JEFFERSON TOWN, N.Y. 402889

\$ 29 19 94

Handwritten: Paid in full by my attorney of \$ 106.04 DOLLARS

FNGBANK

First National Bank of New York

100 Nassau St. New York, N.Y. 10038

MEMO: *Acc No. 21 Bk. 03400-05*

100000010501

100000010501

9209 30Aug94 5 11 13E L NEW YORK
NOV AUG 20 1994 2152 PM
0008 5 4406 04 200350005 011500001
ITENNY CHECK PD 106.04
FOR DEP BR ACCT OF LND 0007050
571560117 1506 01
415587807 21000 01 507
91811402550009900

BR

Drainage Statement

LOUISVILLE & JEFFERSON COUNTY METROPOLITAN
SEWER DISTRICT DRAINAGE 587-0603

TELEPHONE CUSTOMER SERVICE HOURS
MONDAY - FRIDAY 8:15 A.M. - 5:00 P.M.

ITEM	AMOUNT
PREVIOUS BALANCE	22.00
CURRENT DRAINAGE	22.00
TOTAL DRAINAGE	44.00

Sewer Statement

SPANISH COVE
361-8844

SERVICE		NUMBER OF DAYS
FROM	TO	
08/03	10/04	62

ITEM	AMOUNT
PREVIOUS BALANCE	1,355.15
CURRENT SEWER	64.00
SALES TAX	3.84
TOTAL SEWER	1,422.99

CK # 6848
Paid 877.22

Water Statement

LOUISVILLE WATER COMPANY

583-6610 TDD 589-3601

YOUR ACCOUNT NUMBER IS

TELEPHONE CUSTOMER SERVICE HOURS
MONDAY - FRIDAY 8:00 A.M. - 8:00 P.M.
SATURDAY 8:30 A.M. - 12:30 P.M.

CASHIER HOURS
MONDAY - FRIDAY
8:00 A.M. - 5:00 P.M.

34 5

8W 03600-05

SERVICE ADDRESS 5428 DELMARIA WAY
ATTACHMENT 006455

SERVICE		NUMBER OF DAYS	AVERAGE COST PER DAY
FROM	TO		
08/03	10/04	62	.31

ITEM	AMOUNT
PREVIOUS BALANCE	.00
CURRENT WATER	18.28
SALES TAX	1.10
TOTAL WATER	19.38

Paid 877.22
CK # 6848

METER READINGS		CONSUMPTION IN UNITS OF 1000 GALLONS
FROM	TO	
2	10	8

METER SIZE 3/4 INCH

NO PENALTY CHARGED ON LAST LATE PAYMENT

LAST PAYMENT AMOUNT 106.04
DATE PROCESSED SEP 08 1994

PAY THIS AMOUNT	DUE DATE	PAY THIS AMOUNT
1,488.44	11-01-94	1,486.37
AFTER DUE DATE		BY DUE DATE

Paid # 44.00 drainage
64.00 current sewer
3.84 sewer sales tax
746.00 on previous sewer
18.28 water
1.10 water sales tax

Total 877.22 CK. No. 6848

Leaving 609.15 sewer balance

DARRELL CLEM 0563
JANICE CLEM
PH. 502-239-0880
7000 BILLOWN RD.
JEFFERSONTOWN, KY 40289

21-10-94
830

10-31-1994

PAY TO THE ORDER OF LOW. WATER CO.

\$ 875.22

Eight hundred & seventy five and 22/100
DOLLARS

PNC BANK

PNC Bank, Kentucky, Inc.
Louisville, KY 40260

Premium

MEMO Accno Bw 03600-5

127501272091777 110794

1:083000108:5848:3003425182:1:0000087722:1

1:083000108:5848:3003425182:1:0000087722:1

1:0000087722:1

NOV 94 08
PNC BANK, KENTUCKY
LIBERTY NATIONAL BANK OF KENTUCKY
JEFFERSONTOWN, KY 40289

LIBERTY NATIONAL BANK OF KENTUCKY
JEFFERSONTOWN, KY 40289
11/03/94 1:23 PM
Thu Nov 3, 1994 1:23 PM
Y638 4Nov94 M3 #2

RG 7-ADM

ENDORSE HERE

Drainage Statement

LOUISVILLE & JEFFERSON COUNTY METROPOLITAN
SEWER DISTRICT DRAINAGE 587-0603
TELEPHONE CUSTOMER SERVICE HOURS
MONDAY - FRIDAY 8:15 A.M. - 5:00 P.M.

*Paid ck no #
6918*

ITEM	AMOUNT
PREVIOUS BALANCE	.00
CURRENT DRAINAGE	22.00
TOTAL DRAINAGE	22.00

Sewer Statement

SPANISH COVE
361-8844

730.13

SERVICE		NUMBER OF DAYS
FROM	TO	
10/04	12/02	59

ITEM	AMOUNT
PREVIOUS BALANCE	609.15
CURRENT SEWER	64.00
SALES TAX	3.84
TOTAL SEWER	676.99

Water Statement

LOUISVILLE WATER COMPANY

583-6610 TDD 569-3601

YOUR ACCOUNT NUMBER IS

TELEPHONE CUSTOMER SERVICE HOURS
MONDAY - FRIDAY 8:00 A.M. - 8:00 P.M.
SATURDAY 8:30 A.M. - 12:30 P.M.

CASHIER HOURS
MONDAY - FRIDAY
8:00 A.M. - 5:00 P.M.

34 5

8W 03600-05

SERVICE ADDRESS 5428 DELMARIA WAY
ATTACHMENT 006455

SERVICE		NUMBER OF DAYS	AVERAGE COST PER DAY
FROM	TO		
10/04	12/02	59	.53

METER READINGS		CONSUMPTION IN UNITS OF 1000 GALLONS
FROM	TO	
10	25	15

METER SIZE 3/4 INCH

ITEM	AMOUNT
PREVIOUS BALANCE	.00
CURRENT WATER	29.38
SALES TAX	1.76
TOTAL WATER	31.14

LAST PAYMENT AMOUNT 877.22
DATE PROCESSED NOV 04 1994

PAY THIS AMOUNT 732.79 AFTER DUE DATE	DUE DATE 01-03-95	PAY THIS AMOUNT <u>730.13</u> BY DUE DATE
---	----------------------	---

Paid

22.00	drainage
609.15	Previous sewer balance
64.00	current sewer
3.84	sewer sales tax
29.38	water
1.76	water sales tax
<hr/>	
Total 730.13	ck. No. 6918

Drainage Statement

LOUISVILLE & JEFFERSON COUNTY METROPOLITAN
SEWER DISTRICT DRAINAGE 587-0603
TELEPHONE CUSTOMER SERVICE HOURS
MONDAY - FRIDAY 8:15 A.M. - 5:00 P.M.

ITEM	AMOUNT
PREVIOUS BALANCE	.00
CURRENT DRAINAGE	22.00
TOTAL DRAINAGE	22.00

Sewer Statement

SPANISH COVE
361-8844

SERVICE		NUMBER OF DAYS
FROM	TO	
12/02	02/02	62

ITEM	AMOUNT
PREVIOUS BALANCE	.00
CURRENT SEWER	64.00
SALES TAX	3.84
TOTAL SEWER	67.84

Water Statement

LOUISVILLE WATER COMPANY 583-6610 • TDD 569-3601

TELEPHONE CUSTOMER SERVICE HOURS
MONDAY - FRIDAY 8:00 A.M. - 8:00 P.M.
SATURDAY 8:30 A.M. - 12:30 P.M.

CASHIER HOURS
MONDAY - FRIDAY
8:00 A.M. - 5:00 P.M.

YOUR ACCOUNT NUMBER IS

34 5 **8W 03600-05**

SERVICE ADDRESS 5428 DELMARIA WAY
ATTACHMENT 006455

SERVICE		NUMBER OF DAYS	AVERAGE COST PER DAY
FROM	TO		
12/02	02/02	62	.52

METER READINGS		CONSUMPTION IN UNITS OF 1000 GALLONS
FROM	TO	
25	40	15

METER SIZE 3/4 INCH

ITEM	AMOUNT
PREVIOUS BALANCE	.00
CURRENT WATER	30.22
SALES TAX	1.81
<i>Paid in full 6966</i>	
TOTAL WATER	32.03

LAST PAYMENT AMOUNT 730.13
DATE PROCESSED DEC 28 1994

PAY THIS AMOUNT 124.57 AFTER DUE DATE	DUE DATE 03-02-95	PAY THIS AMOUNT 121.87 BY DUE DATE
---	----------------------	---

This statement shows that all charges were paid in full and from this date forward no other charges have been made against this account.

DARRELL CLEM 0563
JANICE CLEM
PH. 502-239-0880
7000 BILLTOWN RD.
JEFFERSONTOWN, KY 40299

21-10
830

6966

PAY TO THE ORDER OF Louisville Water Co. \$ 121.87
2-26 19 95

one hundred & twenty one dollar & 87/100 DOLLARS

PNC BANK
PNC Bank, Kentucky, Inc.
Louisville, KY 050
Premium Plan

Darrell Clem

MEMO Account # Bw-03600-05
⑆083000108⑆ 6966⑆ 3003425182⑆ ⑆0000012187⑆

LIBERTY MAIL BN LOUISVILLE WATER
ABS END GTD 004 00589 022895 0000074950 20680001375
3403600055 0305

ENDORSE HERE

00108

0224500000024550
0530001127024550
204701235045022515

FR 05 28

NO.

000105556

JEFFERSON CIRCUIT COURT

DIVISION

SPANISH COVE SANITATION, INC.

JEFFERSON CIRCUIT COURT
DIVISION ELEVEN (11)

V.

COMPLAINT

DARRELL CLEM
7600 Country Squire Lane
Jeffersontown, KY 40299

DEFENDANT

*** **

Comes the Plaintiff, Spanish Cove Sanitation, Inc., by counsel, and for its complaint against the Defendant herein, Darrell Clem, states as follows:

1. The Plaintiff is a corporation authorized and existing under the laws of the Commonwealth of Kentucky, and is a provider of sewer disposal services as defined in the Kentucky Revised Statutes.

2. Darrell Clem, at all times relevant herein, was, and is, a resident of the county of Jefferson, Commonwealth of Kentucky.

3. That the Defendant, Darrell Clem, owns certain real property, located on or about the fifty-four hundred block of Del Maria Way, Louisville, Kentucky.

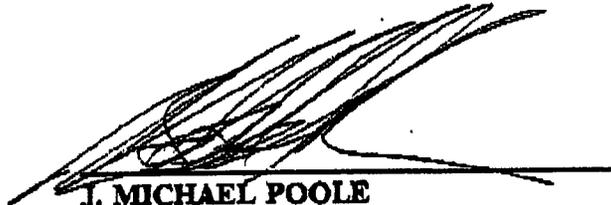
4. That the Plaintiff, as a provider of sewage treatment services, did, at various dates, provide sewage treatment services for the property owned and/or operated by the Defendant, Darrell Clem.

5. That, the Defendant, Darrell Clem, has failed and refused to pay all amounts due for said sewage treatment services, and there exists a balance due and outstanding, in excess of \$1,500.00.

6. That the Plaintiff has made repeated demands upon the Defendant for payment of same, and the Defendant has failed and refused to pay same.

WHEREFORE, Plaintiff demands judgment against the Defendant, Darrell Clem,
as follows:

1. Judgment for the amount of fees owed to the Plaintiff by the Defendant, said amount to be determined by the proof, evidence, and the Court;
2. Any and all further relief to which they may appear entitled, including a reasonable attorney's fee.



J. MICHAEL POOLE
BRUCE GARRETT ANDERSON
ED MONARCH
J. Michael Poole & Associates
Starks Building
455 S. 4th Avenue, Suite 610
Louisville, KY 40202-2509
(502) 587-0063

COUNSEL FOR PLAINTIFF

State of Kentucky)
County of Jefferson) SS

AFFIDAVIT

Comes Robert Young, DMD, and after being first duly sworn, states I am the tenant and lessee of unit known as 5432 Del Maria Way, Louisville, Jefferson County, Kentucky and have leased said premises since 10/1, 1993.

Since my occupancy, I personally know that 5430, 5436 and 5438 Del Maria Way have been vacant and unoccupied.

Further, affiant sayeth not.

Robert A. Young, DMD.
ROBERT YOUNG, DMD

Subscribed and sworn to before me by Robert Young, DMD, this 25 day of June, 1994.

My commission expires: 11-20-96

Catherine M. Young
Notary Public, Jefferson County, Kentucky

STATE OF KENTUCKY)
) SS
COUNTY OF JEFFERSON)

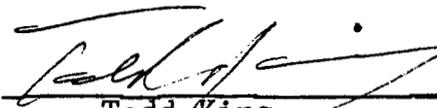
AFFIDAVIT

Comes the Affiant, Todd King, and after being first duly sworn, states that he is the tenant and lessee of two parcels or units of Spanish Cove located on Del Maria, Jefferson County, Kentucky, known as TK's Pub and Bull Frog Garden.

Affiant states that he has rented and leased the two parcels or unit for at least the last seven (7) years. Affiant states that the two adjoining parcels or units known as 5436 and 5438, and the corner parcel or unit known as unit 5430 have been vacant for some period of time and that they have been continuously vacant from December 1, 1993 to this date.

Affiant further states that he has one water line to service both of his parcels.

Further Affiant sayeth not.



Todd King

Subscribed and sworn to before me by Todd King
this 24th day of June, 1994.

My commission expires February 5, 1996



Notary Public, Jefferson County, Kentucky



LOUISVILLE WATER COMPANY

550 SOUTH THIRD STREET • LOUISVILLE, KENTUCKY 40202

TEL 502-569-3600 FAX 502-569-0815

May 4, 1999

Darrell Clem
7600 Country Squire
Louisville, KY 40291

Re: BW 03600-05
5428 Delmaria Way

Dear Mr. Clem:

Per your request for clarification of my previous correspondence and spreadsheet, the numbers on the spreadsheet reveal that your account was fully paid (which includes water with Louisville Water Company, sewer with Spanish Cove Sanitation, and drainage with MSD) by December 1994.

I am enclosing another copy of that spreadsheet, which illustrates the breakdown of all charges and payments for water, sewer and drainage.

We can provide no additional details regarding this account. The Louisville Water Company acted merely as a collection agency for your private sewer company, Spanish Cove Sanitation. Our responsibility ends with receipt of your payment and disbursement to the appropriate sewer and drainage companies to balance the account.

Sincerely yours,

A handwritten signature in cursive script that reads "Donald Spanyer".

Donald Spanyer, Process Owner
Providing Customer Information & Assistance

PC: B. Miller
E. Chestnut
R. Bridges
File

ACCOUNT NUMBER: BW 0360005
 ADDRESS: 5428 Delmaria Way

BILL DATE	WATER	SEWER	DRAIN	DEBIT/ CREDIT	NET AMT	GROSS AMT	DUE DATE	DATE PAID	AMT PAID	ENDING BAL
2/9/94	\$ 239.20	\$ 630.91	\$ 86.96	\$ 150.00	\$ 1,107.07	\$ 1,154.92	3/2/94	3/2/94	\$ 389.20	\$ 717.87
4/12/94	\$ 262.12	\$ 678.40	\$ 93.50	\$ 717.87	\$ 1,751.89	\$ 1,803.59	5/3/94	5/2/94	\$ 262.12	\$ 1,489.77
6/9/94	\$ 184.63	\$ 678.40	\$ 93.50	\$ 1,507.56	\$ 2,464.09	\$ 2,511.92	6/30/94			
ADJ 6/29/94				\$ 86.96	\$ 2,717.78					
ADJ 6/29/94				\$86.96 CR	\$ 2,576.70					
ADJ 7/5/94				\$13.11 CR	\$ 2,348.37			7/6/94	\$ 184.63	\$ 2,266.35
ADJ 7/20/94				\$278.64 CR	\$ 1,885.10			7/13/94	\$ 287.64	\$ 1,987.71
ADJ 7/20/94				\$ 278.64	\$ 2,530.03					
ADJ 7/22/94				\$576.00 CR	\$0.00					
ADJ 7/27/94				\$34.56 CR	\$ 1,378.21					
8/9/94	\$ 16.20	\$ 67.84	\$ 22.00	\$ 1,377.15	\$ 1,483.19	\$ 1,488.49	8/30/94	9/8/94	\$ 106.04	\$ 1,377.15
10/11/94	\$ 19.38	\$ 67.84	\$ 22.00	\$ 1,377.15	\$ 1,486.37	\$ 1,491.83	11/4/94	11/4/94	\$ 877.22	\$ 609.15
12/9/94	\$ 31.14	\$ 67.84	\$ 22.00	\$ 609.15	\$ 730.13	\$ 736.18	12/30/94	12/28/94	\$ 730.13	\$0.00



LOUISVILLE WATER COMPANY

435 SOUTH THIRD STREET • LOUISVILLE, KENTUCKY 40202

TEL 502-569-3600 FAX 502-565-2808

Oct. 1, 1997

Darrell Clem
7600 Country Squire.
Louisville, Ky. 40291

Dear Darrell Clem,

Enclosed is a copy of your billing record that lists the last six payments applied on your water bill. Our records indicate your account is up to date and you are in good standing with the Louisville Water Company.

Sincerely,

A handwritten signature in cursive script that reads "Mary Anne Turner".

Mary Anne Turner
Accounting Dept.

An Equal Opportunity Employer



LOUISVILLE WATER COMPANY

435 SOUTH THIRD STREET • LOUISVILLE, KENTUCKY 40202
TEL 502-569-3600 FAX 502-585-2808

Sept. 30, 1997

Darrell Clem
7600 Country Squire.
Louisville, Ky. 40291

Re: Billing for Account BW0360005
during year 1994

Dear Darrell Clem,

Listed below are the billings during 1994.

Feb \$ 239.20 Water 630.91 Sewer 86.96 Drain <u>150.00 Dr.</u> \$1,107.07	Apr. \$ 262.12 Water 678.40 Sewer 93.50 Drain <u>717.87 Dr.</u> \$1,751.89	June \$ 184.63 Water 678.40 Sewer 93.50 Drain <u>1,507.56 Dr.</u> \$2,464.09
Aug \$ 16.20 Water 67.84 Sewer 22.00 Drain <u>1,377.15 Dr</u> \$ 1,483.19	Oct. \$ 19.38 Water 67.84 Sewer 22.00 Drain <u>1,377.15 Dr.</u> \$1,486.37	Dec. \$ 31.14 Water 67.84 Sewer 22.00 Drain <u>609.15 Dr.</u> \$ 730.13

Sincerely,

Mary Anne Turner
Accounting Dept.

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

DARRELL CLEM)	
)	
COMPLAINANT)	
)	
v.)	CASE NO. 94-162
)	
SPANISH COVE SANITATION)	
)	
DEFENDANT)	

STIPULATION

This matter came on pursuant to an Order of the Commission assigning the captioned case for hearing before the Commission on June 28, 1994, at 1:00 p.m., Eastern Daylight Time, in the hearing room of the Commission's offices at Frankfort, Kentucky.

Presiding was the Honorable John Shapiro, Hearing Officer. Present for the Complainant, Darrell Clem, was Rudy Yessin, Attorney at Law, Frankfort, Kentucky; present for the Defendant, Spanish Cove Sanitation, was J. Michael Poole, Attorney at Law, Starks Building, Louisville, Kentucky.

The Hearing Officer inquired if the parties were ready and the attorneys for each of the parties notified the Hearing Officer that they were in the process of working out a stipulation, whereupon the parties were granted time in which to work out the stipulation.

When the matter was called for hearing, the parties informed the Hearing Officer that they had reached an agreement and it was stipulated between the parties as follows:

The property in question was purchased by the Complainant, Darrell Clem, (hereinafter "Clem"), from the United States Bankruptcy Court on the Petition filed by John

Lawson (hereinafter "Lawson"). Lawson was the owner of the majority stock in Spanish Cove Sanitation (hereinafter "Cove"). Transfer of the property was accomplished on December 1, 1993.

Clem stated that he was being charged for sewage charges for 10 units per month at the rate of \$32.00 per unit; whereas, he should be only charged for 3 units per month at the rate of \$32.00 per unit. He claims the 7 units in question should not be charged to him, including 4 units being leased to T.K. Pub & Restaurant (owner, Todd King) and 3 units which were vacant.

The other 3 units are being occupied by Clem, by a dentist and by a hairstyling facility.

Clem requests the Commission to require Cove, by order, to inform the Louisville Water Company where the proper billing should be made for the sewage disposal charges.

Lawson, for Cove, claims that the billings were proper because there was only one (1) meter at the time of the purchase by Clem and it was up to him to collect from his various tenants.

Since June 2, 1994, Clem has had additional meters installed.

The parties agreed as follows:

On and after June 2, 1994, the billings made by the Louisville Water company for sewage disposal shall be as follows:

1. Units 5438, 5436 and 5430 are vacant and until they are occupied or being used, there is not billing to be made for sewage disposal to any party.
2. Unit 5434, now occupied by a hair stylist, shall be billed to that party.

3. Unit 5432, is occupied by a dentist, Dr. Robert Young, and billings shall be made to him.

4. Unit 5428 consists of a men's restroom and a ladies restroom on the second floor and should be billed as 1 unit to Clem.

5. Units 5440, 5442, 5444, and 5446 now consist of One (1) unit instead of 4 units, having only one water meter. There are no walls between the units in the pub. There is a single meter for this section of the building. The bill should be made for four (4) units to T.K. Pub or its owner, Todd King, in the amount of \$128.00 per month.

6. The 3 vacant units, 5438, 5436, 5430, have been billed at the rate of \$32.00 a month for 6 months, December, 1993 through May, 1994, to Clem. Clem shall be given credit from charges made against him by the Louisville Water Company for the sum of \$576.00.

7. Units 5446, 5444, 5442, and 5440 have been billed to Clem for a period of 6 months, December, 1993 through May, 1994, for a total sum of \$768.00. The parties agree to divide this amount equally between them and to be responsible for the sum of \$389.00 each. Darrell Clem is to pay \$389.00 to his (Clem's) account at Louisville Water Company for the Sewer bill, and Spanish Cove Sanitation is to credit Clem's account for \$389.00, or John Lawson is to pay the Louisville Water Company \$389.00. This amount will equal the sum of \$768.00.

8. A diagram of the units is attached hereto and marked Exhibit A, and made a part hereof as if copied in full.

9. The parties agree that the statements set forth hereinabove should be carried out by an Order of this Commission directing the Louisville Water Company and any other parties affected by this stipulation to carry out the terms hereof.

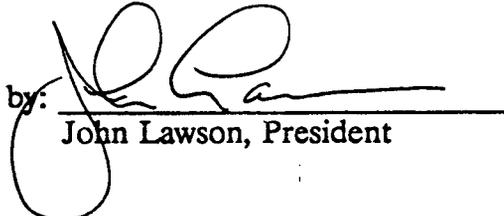
This ____ day of August, 1994.



J. MICHAEL POOLE
BRUCE GARRETT ANDERSON
J. Michael Poole & Associates
Starks Building
455 S. 4th Avenue, Suite 610
Louisville, Kentucky 40202
(502) 587-0063

COUNSEL FOR THE DEFENDANT

SPANISH COVE SANITATION, INC.

by: 

John Lawson, President

c:\wp\lawson\stipulate.mxd

RUDY YESSIN
201 Capital Avenue
P.O. Drawer B
Frankfort, Kentucky 40602
(502) 227-7326

**COUNSEL FOR THE
COMPLAINANT**

DARRELL CLEM

LAW OFFICES
SOHAN & SOHAN

JAMES P. SOHAN
PATRICK J. SOHAN

SUITE 602, ONE RIVERFRONT PLAZA
LOUISVILLE, KENTUCKY 40202
TELEPHONE (502) 589-6240

FERN CREEK OFFICE, FERN CREEK, KENTUCKY 40291
(502) 239-8893

August 18, 1999

Kentucky Public Service Commission
P.O. Box 615
Frankfort, KY 40602

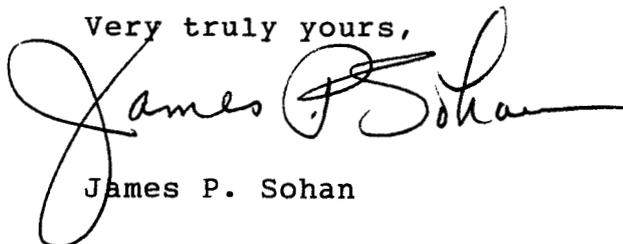
Re: Case #99-179 Darrell Clem
vs. Spanish Cove Sanitation System, Inc.

Dear Sir/Madam:

Please be advised that this office represents Darrell Clem, Defendant in an action in the Jefferson Circuit Court, Division Eleven, filed by Spanish Cove Sanitation against Darrell Clem on September 26, 1997, alleging that Mr. Clem is indebted to Spanish Cove in a sum in excess of \$1,500.00. Responsive pleadings were filed to the Complaint and no proof was ever taken nor were any bills ever submitted despite request of this office. Upon a hearing on the Notice to Dismiss the Action for lack of prosecution, and attorney in the office of J. Michael Poole, appeared and advised that she knew nothing of the case, however, she requested additional time to familiarize herself with the action and to determine what was involved. The undersigned advised the Court that this matter was before your Commission on a Petition filed by Mr. Clem. The Court then remanded the Circuit Action pending a final decision from the Public Service Commission, the date of the Court Order being June 15, 1999.

If you desire any further information with regard to the Civil Action in the Jefferson Circuit Court, please advise the undersigned.

Very truly yours,



James P. Sohan

JPS/si

Important
and file



COMMONWEALTH OF KENTUCKY
PUBLIC SERVICE COMMISSION

730 SCHENKEL LANE
POST OFFICE BOX 615
FRANKFORT, KY. 40602
(502) 564-3940

March 22, 1994

Mr. Darrell Clem
7000 Billtown Road
Jeffersontown, Kentucky 40299

Dear Mr. Clem:

The Consumer Services Branch has completed its review of your recent complaint brought against the Spanish Cove Sanitation District. Based upon the information available to the staff, it is the staff's opinion that the Spanish Cove Sanitation District is improperly billing your account at 5428 Delmaria Way, Louisville, Kentucky 40291, for sewage service.

The staff's conclusion in this matter is based in part on the drawing of the building at 5428 Delmaria Way which consists of five commercial units, the utility's filed tariff, and the Kentucky Revised Statutes.

KRS 278.160 (2) provides that no utility shall charge, demand, collect or receive from any person a greater or less compensation for any service rendered than that prescribed in its filed schedules and no person shall receive any service from any utility for a compensation greater or less than that prescribed in such schedules.

According to information supplied to the staff and to Mr. John Lawson, President of the Spanish Cove Sanitation District, sewer service is being currently provided for 3 units at the 5428 Delmaria Way, Louisville, Kentucky location. The current tariffed commercial rate for the Spanish Cove Sanitation District is \$32.00 per month. Calculating three units at \$32.00 per unit results in a current monthly sewer assessment of \$96.00 per month for the 5428 Delmaria Way location. It is the customer's responsibility to notify the utility of changes in the occupancy of the units. We understand that you have so notified Spanish Cove Sanitation of the current occupied units.

Mr. Darrell Clem
Page 2
March 22, 1994

We have been unable to discuss this matter with representatives from Spanish Cove Sanitation after repeated attempts. Consequently you may wish to file a formal complaint with the Commission through the provisions of 807 KAR 5:001, Section 12 through 15 (copy enclosed). The opinions of the staff are not binding upon the Commission and the Commission may or may not elect to establish a formal case based upon the merits of the petition.

I regret that we have been unable to assist you in this matter.

Sincerely,



Bob Johnston, Manager
Consumer Services

Enclosures

c Mr. John Lawson
Louisville Water Company

Darrell Clem
7000 Billtown Road
Jeffersontown, Ky.
February 10, 1994

John A. Lawson
1418 Bluegrass Avenue
Louisville, Kentucky

Dear Mr. Lawson;

I'm being charged for three (3) vacant commercial units (charge of \$32.00 per month) on the Louisville Water Company's bill from Spanish Cove Sanitation Company. I'm also being charged for four (4) commercial units (\$32.00 per month) for T.K. Pub and Restaurant. There are no meters in the pub and restaurant. I should only be charged for three (3) commercial units, \$32.00 per month on the sewer statement bill from the Louisville Water Company which Spanish Cove Sanitation Company has an agency fee agreement.

Would you please correct this problem with the Louisville Water Company. Your help in this matter would be greatly appreciated.

Sincerely yours,



Darrell Clem